

Chapter JC 3

GENERAL PROVISIONS

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JC 3.01 Confidentiality. The proceedings of the judicial commission prior to the filing of a formal complaint concerning misconduct or a petition concerning disability are confidential, unless a valid waiver of confidentiality has been made by the judge. If a person who makes an allegation under section JC 4.01 or 5.01 Wis. Adm. Code breaches the confidentiality of the investigation, the commission may dismiss the allegation, admonish the person or take other appropriate action. If a judge requests that any clarifying statement be made regarding an investigation, the commission may do so.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79.

JC 3.02 Independent investigation. The commission may vote to have an independent person investigate a particular allegation of misconduct or disability. The person shall have the authority, duties and responsibilities of the executive director with respect to the investigation.

JC 3.03 Revised allegation. The commission may decide after an investigation has started that a particular allegation of misconduct is properly an allegation of disability or that a particular allegation of disability is properly an allegation of misconduct. If an allegation is revised in this manner, all proceedings shall cease and a new allegation shall be made under section JC 4.01 or 5.01 Wis. Adm. Code, whichever is applicable.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79.

3.04 Disqualification. A member shall not participate in any matter if a judge similarly situated would be disqualified in a court proceeding. In cases other than mandatory disqualification if any question of propriety of participation is raised it shall be decided by a majority of the commissioners present and voting.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79.

JC 3.05 Internal proceedings. The commission shall prescribe procedures for its internal proceedings as the commission deems appropriate.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79.

JC 3.06 Request for financial statement. If the commission receives a request for information relating to or a copy of a financial statement which has been filed with the commission as required by the code of judicial ethics, notice of the request, with the name of the person making the request if it is readily available, shall be given to the judge. The person making the request need not give the commission his or her name, but if the person gives the commission his or her name, the judge shall be

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told. This section does not apply to requests made by news media reporters.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79.

JC 3.07 Commission not to act as appellate court. The commission shall not function as an appellate court to review the decisions of a court or judge or to exercise superintending or administrative control over determinations of courts or judges.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79.

JC 3.08 Jurisdiction. Allegations may be considered only if they relate to actions taken while the judge holds judicial office or acts as a reserve judge. Conduct by the person occurring as an attorney prior to assuming office or conduct subsequent to leaving judicial office, unless in the capacity of a reserve judge, is not within the jurisdiction of the commission.

History: Cr. Register, May, 1979, No. 281, eff. 6-1-79.